

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**
(Official Minutes)

SPECIAL JOINT WORKSHOP SESSION of the VILLAGE OF FONTANA
BOARD OF TRUSTEES with PLAN COMMISSION and
MONTHLY MEETING of the VILLAGE BOARD OF TRUSTEES
Monday, March 5, 2012

Village President Arvid Petersen called the meeting of the Village Board and Plan Commission to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustees present: Roll call vote: Tom McGreevy, Cindy Wilson, George Spadoni, President Petersen, Peg Pollitt (arrived at 6:27 pm)

Trustees absent: Pat Kenny, Bill Gage

Plan Commission members present: Sarah Lobdell, Derek D'Auria, George Spadoni, President Petersen

Plan Commission members absent: Harry Nelson, F.J. Frazier, Micki O'Connell

Also Present: Joe Abell, Chris Genellie, Amy Giovannoni, Administrator/Treasurer Kelly Hayden, Rob Ireland, Lynn Ketterhagen, Robert Klockars, Library Director Nancy Krei, John Maier, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Jeff Miskie, Building Inspector Ron Nyman, Police Chief Steve Olson, Rick Pappas, Mike Slavney, Village Attorney Dale Thorpe, Amanda Voss, Tom Whowell, Director of Public Works Craig Workman

Joint Meeting Business – Chapters 17 and 18 Final Draft

Provide Direction on Lakefront Residential Zoning District

Village Planner Mike Slavney presented his update memorandum dated March 2, 2012. Wilson asked if the five parcels identified on a map exhibit prepared by Vandewalle and Associates currently can be subdivided and how they would be affected by the new zoning code. Slavney stated that the five parcels could be subdivided under the current zoning code; however, the new Lakefront Residential Zoning District does not allow for new development except on existing vacant platted lots that meet the minimum size standards. Wilson stated that at least one of the property owners on the list created one combined lot more than eight years ago with the understanding that they could split lots off and sell them in the future, if desired. Wilson stated that with the current economic conditions, it is not fair for the Village to adversely affect the longstanding property values of the lakefront lots. Thorpe stated that the new Lakefront Residential Zoning District has been drafted since day one of the rewrite project to state that the lakefront is fully developed. Wilson stated that the parameters of the district being considered fully developed, and the use of existing lots or tax parcels were not even discussed or made clear until the January 30, 2012 meeting. Spadoni stated that he agrees with Wilson and the Village Board should not adopt new zoning standards that would adversely affect the property values of some of the highest paying taxpayers in the Village. Thorpe stated that if the Village Board does not want to follow through on the initially drafted lakefront district, it should be rewritten to reflect exactly what the Village Board members want. McGreevy stated that property owners should be able to develop a lot if it meets minimum width and lot size requirements. Slavney stated that the draft could be amended to preserve the existing development rights for the lakefront lots, and he suggested using the table in section 1 of his March 2, 2012 memo for the minimum size requirements. Lobdell stated that the stated change in lakefront zoning district to create a "built-out" district has been a stated policy of the rewrite project since the very beginning of the process. Lobdell stated that to go back to the current zoning standards is a big change at this late stage of the project. Slavney stated that a measure to help protect from over-development would be to create a regulation that prohibits the reconfiguration of lakefront lots to make them developable. Slavney stated that language could also be drafted that would prohibit the razing of existing buildings on lakefront lots and combining the lots to create additional developable lots. Following further discussion, the Village Board members reached a consensus that the new Lakefront Residential Zoning District should be redrafted to allow for the subdivision of an existing lakefront lot with the condition the new lots

meet the minimum size and density standards. The Village Board directed Slavney to work with Thorpe to redraft the Lakefront Residential Zoning District and to bring back the new language for review by the Plan Commission and Village Board.

Provide Direction on Lot Line Adjustments/Clarify Existing Platted Lots

Slavney stated that section 1 of the memo adds provisions and minimum standards for lot line adjustments in the Lakefront Residential Zoning District, and clarifies that construction of a new principal structure may be permitted on existing vacant platted lots that meet the minimum size standards. No additional direction was provided.

Provide Direction on Accessory Living Quarters Standards

Slavney stated that section 3 of the memo amends the initial draft of the rewritten Chapter 18 to more closely align with the current standards for accessory living quarters. No additional direction was provided.

Provide Direction on Resort Business District Temporary Activities Time Period

Slavney stated that Section 18-65 (i)(1) b and c were amended to restrict the duration of limited duration special activities and events to 45 days, instead of 60. If an event has a duration exceeding 45 consecutive days, a temporary use permit will be required. No further direction was provided.

Provide Direction on Moving and Internally Illuminated Signs

Slavney stated that section 5 of the memo includes the definition for Flashing Signs that they are signs that change their message or appearance more than once every 60 seconds; and section 6 of the memo adjusts the signage regulations to prohibit internally illuminated signs. Wilson stated that the Village already has some internally illuminated signs, such as a sign at St. Benedict Catholic Church. Wilson asked how the village could ban them in the new code and suggested that a provision be made that some types of internally illuminated signs could be permitted. McGreevy stated that the Village Board's previous direction was to only prohibit the time and temperature signs and signs with scrolling or flashing displays. The Village Board members reached a consensus during discussion that electronic message boards like the St. Benedict sign and some internally illuminated signage should be allowed, but time and temperature signs should not be permitted. Slavney stated that the Village of Fontana's longtime zoning standard of prohibiting internally illuminated signs has worked in the Village and has helped the community maintain its small-town charm. Thorpe suggested that the Village Board keep the signage regulations the same as they have been for many years with regard to moving and internally illuminated signs. The Village Board directed Slavney to incorporate the current signage regulations for moving and internally illuminated signs and to make sure that scrolling and flashing message signs remain prohibited, and that down-lighting is required for externally illuminated signs.

Provide Direction on Definitions to Clarify Sign Types

Slavney stated that section 5 of the memo provides definitions of banners, community wayfinding signs, electronic message board signs, flags, commercial flags, noncommercial flags, flashing signs and pennants. No further direction was provided.

Provide Direction on Open for Business Signs

Slavney stated that section 11 of the memo amends the signage regulations to permit commercial flags, banners and pennants as an open for business sign type. Spadoni stated that he has a concern with the provision that the open for business signs for new businesses may be up for a temporary basis for a period not to exceed 90 days from the date of occupancy. Spadoni asked if an existing "open" sign on a flag at a local business will be allowed under the new zoning code. Slavney stated that it would not be allowed, but if the open sign is currently being put out at a business, it will have grandfathered status when the rewritten code is adopted.

Provide Direction on Community Information Signs

Slavney stated that section 9 of his memo adds language to permit community information and wayfinding signs, and following discussion, the Board directed Slavney to add "only if permanent" to the section and to establish size regulations and approval criteria.

Provide Direction on Planned Development Temporary Signs

Slavney stated that section 12 of his memo adds language that permits temporary signs in a Planned Development without the property owner having to secure an amendment to the Precise Implementation Plan. No further direction was provided.

Provide Direction on Planned Development Flexible Signage Regulations

Slavney stated that sections 2 and 12 of his memo add language that allows flexible signage standards in Planned Developments. Thorpe suggested that the language be further amended to state that the signage requirements of the zoning code do not apply and are a negotiated item in Planned Developments.

Provide Direction on Permitted and Prohibited Commercial Flag Signs

Slavney stated that section 7 of his memo adds language to the draft that clarifies that noncommercial flags are exempt from the signage standards. No further direction was provided.

Provide Direction on Commercial Flag Signs – Limits for Total Number Per Business, Size Regulations & Allowable Zoning Districts

Slavney stated that sections 8 and 10 of his memo clarifies that flags are exempt from the prohibition of fluttering, undulating, inflatable, swinging, rotating or otherwise moving signage, and that flags, banners and pennants that are not classified signage are permitted; and adds regulations for commercial flags, banners and pennants. Slavney stated that he added a section as directed to allow for flags, banners and pennants at the lakefront businesses and marinas. The section added by Slavney to the rewritten Chapter 18 states commercial flags, banners and pennants are permitted only within 75 feet of the ordinary high water mark of Geneva Lake on parcels which are zoned Village Center or Resort Business; that existing commercial flags, banners and pennants shall be limited to the number, location, and area established as of the effective date of this Chapter as determined by the Zoning Administrator; and that new commercial flags, banners and pennants shall be approved through the conditional use process. Spadoni stated that business owners should not have to go through the CUP process to get new flags, banners or pennants approved; and staff should be provided with approval criteria. McCarthy stated that staff would need guidance on what type of flags, banners and pennants would be allowed, what would be prohibited, and if there would be any other time or location regulations. McCarthy stated that the language in the current zoning code works well. Thorpe stated that if the Village Board wants to allow staff to approve proposals, guidelines are necessary. Slavney stated that he can attempt to draft language that would address the situation. Attorney John Maier asked if the provision calling for the flags, banners and pennants to be located within 75 feet of the high water mark includes the Abbey Harbor. Slavney stated that the Abbey Harbor is viewed as the high water mark. Maier also asked if the three provisions in the new section are stand alone requirements, and if the Abbey Harbor would be required to obtain a CUP to erect new commercial flags, banners and pennants. Slavney stated that the way the section is currently drafted, all three subsections are considered. Lobdell stated that if the businesses located within 75 feet of the high water mark are allowed the additional flags, banners and pennants, than all business zoned properties in the Village should be allowed. The Village Board directed Slavney to amend the language to make the flags, banners and pennants permissible for all business zoned properties, and to establish clear cut standards for staff to approve proposals for new commercial flags, banners and pennants without the business owners having to obtain a CUP.

Provide Direction on Commercial Flag Signs – Permanent and Temporary Sign Definitions

Petersen stated that the direction provided for the previous item was valid for this agenda item.

Provide Direction on Amendments to Lakefront Pyramiding Ordinance Suggested by GLC Attorney

Thorpe stated that his memo on the Geneva Lake Conservancy proposed amendments to the village's anti-pyramiding ordinance was distributed and he is working on the issue with GLC Attorney William O'Connor. Thorpe stated that the proposed amendment language should be ready for review by the end of the week.

Other Relevant Items

Real Estate Paralegal Amy Giovannoni of Godfrey, Leibsle, Blackburn & Howarth, S.C., Elkhorn, asked if the current standard of 40,000 square feet per dwelling unit would be incorporated into the redrafted Lakefront Residential District. Slavney stated that the standards will be amended back to the current standards.

Schedule for Project Finalization & Schedule Public Hearing If Appropriate

Petersen stated that the Village Board and Plan Commission may need to schedule another special workshop meeting to consider the changes directed that night. Slavney stated that he will work on the changes and forward the document to the Village by the end of the week. Hayden stated that the public hearing notice was submitted to the Regional News with an anticipated hearing date of Monday, March 26, 2012, but the rewritten Chapters 17 and 18 will not be ready for publication. Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to direct staff to have the public hearing notice pulled and not published. The MOTION carried without negative vote.

Adjournment Plan Commission

Commissioner Spadoni/President Petersen 2nd made a MOTION to adjourn the Plan Commission meeting at 6:23 pm, and the MOTION carried without negative vote.

Visitors Heard

President Petersen stated that he wanted to commend and thank the local firefighters and emergency service volunteers who battled a fire at the Abbey Hill subdivision February 8, 2012. Petersen stated that he also wanted to thank the firefighters from other area departments who responded to the mutual aid request.

Announcements

1. GLEEA Board Meeting – **Wednesday, March 7, 2012, 10:00 am**
2. CDA Board Meeting – **Wednesday, March 7, 2012, 6:00 pm**
3. Read & Romp Program at Library – **Thursdays, March 8, 15 and 22, 2012, 10:00 am**
4. Public Works Committee Meeting – **Saturday, March 10, 2012, 8:00 am**
5. FW/WPCC Board Meeting – **Tuesday, March 13, 2012, 7:30 pm**
6. Plan Commission Staff Meeting – **Wednesday, March 14, 2012, 1:00 pm**
7. GLEEA Board Meeting – **Thursday, March 15, 2012, 7:00 pm**
8. First Day to Vote Absentee Ballot In Person for Spring Election – **Monday, March 19, 2012, 8:00 am**
9. Protection Committee Meeting – **Monday, March 19, 2012, 5:45 pm**
10. Finance Committee Meeting – **Tuesday, March 20, 2012, 5:30 pm**
11. Spring Election Candidates Forum at Abbey Springs – **Tuesday, March 20, 2012, 6:00 pm**
12. Library Board Meeting – **Wednesday, March 21, 2012, 10:00 am**
13. Lakefront and Harbor Committee Meeting – **Wednesday, March 21, 2012, 5:00 pm**
14. Park Commission Meeting – **Wednesday, March 21, 2012, 6:00 pm**
15. Evening Book Club at Library – **Thursday, March 22, 2012, 5:30 pm**
16. Village Newsletter Article Deadline – **Friday, March 23, 2012**
17. Plan Commission Monthly Meeting – **Monday, March 26, 2012, 5:30 pm**
18. Last Day to Vote Absentee Ballot In Person for Spring Election – **Friday, March 30, 2012, 5:00 pm**

Approval of Minutes

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the minutes for the meetings held February 6 and 27, 2012, as presented, and the MOTION carried without negative vote.

Village Treasurer's Report, Vendor Report, & Payroll Overtime Report

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to acknowledge the receipt of the February 2012 treasurer's report and the current Vendor Report and Payroll Overtime Report and to place them on file for the audit. The MOTION carried without negative vote.

Approval of Village and Utility Payables

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the village and utility payables as presented, and the MOTION carried without negative vote.

Park Commission – Trustee Wilson

Big Foot Lions Club 2012 Reid Park Events

Big Foot Lions Club member Joe Abell presented the plans for the club's annual Reid Park Events, which include a concession stand with no beer or wine this year on the Fourth of July; the annual Lobster Boil & Steak Fry on Saturday, July 28, 2012; and a breakfast concession stand for the Fontana Lakefront Triathlon on Saturday, August 25, 2012. The Park Commission reviewed the proposals and recommended approval of the events.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the 2012 Big Foot Lions Club events in Reid Park, as recommended, and the MOTION carried without negative vote.

Abell thanked the Village Board for its longtime support of the Lions Club events, and in particular the Lobster Boil & Steak Fry. Abell stated that the Lobster Boil has become such a successful and popular event due in large part to its location on the Fontana lakefront. Abell presented the Village with a check for \$4,000 from the Big Foot Lions Club to go toward the club's \$30,000 commitment for the Little Foot Playground pirate ship purchase.

Park Permit Applications Filed by Big Foot High School, Duck Pond Recreation Area, Thursday, September 20, 2012, 2:30 pm; Fontana Garden Club Plant Sale at Porter Court Plaza, May 25 to 27, 2012; Paderta Wedding Ceremony, Reid Park Gazebo, Saturday, June 16, 2012, Noon to 5:00 pm; Hollenbeck Wedding Reception, Duck Pond Pavilion, Friday, August 10, 2012, Noon to Dusk

Wilson stated that the Park Commission reviewed the applications and recommended approval.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Park Permit application filed by Big Foot High School cross country team coach Tim Collins for a middle school cross country meet at Duck Pond Recreation Area on Thursday, September 20, 2012 from 2:30 to 5:30 pm, as recommended. The MOTION carried without negative vote.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the Park Permit application filed by the Fontana Garden Club for its annual Garden Fair at the Porter Court Plaza May 25 to 27, 2012, as recommended, and the MOTION carried without negative vote.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Park Permit application filed by Amy Paderta and Mark Sosa for a wedding ceremony at the Reid Park gazebo on Saturday, June 16, 2012 from noon to 5:00 pm, with the condition the application fee is paid, as recommended. The MOTION carried without negative vote.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Park Permit application filed by Brady Hollenbeck for a wedding and reception at the Duck Pond Recreation Area Pavilion on Friday, August 10, 2012, from noon to dusk, as recommended. The MOTION carried without negative vote.

General Business/Administrator's Report – President Petersen/Administrator-Treasurer Hayden

Temporary Class B License Application Filed by Big Foot Lions Club for July 28, 2012 Lobster Boil & Steak Fry in Reid Park

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the Temporary Class B License application filed by the Big Foot Lions Club for its annual Lobster Boil & Steak Fry on Saturday, July 28, 2012 in Reid Park, and the MOTION carried without negative vote.

Temporary Operator's License Permit Applications Filed by Big Foot Lions Club Members Anders Pearce, William Grunow, Richard Murphy and Kevin Racky for July 28, 2012 Event
There were no concerns in the required background checks.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the Temporary Operator's License applications filed by Big Foot Lions Club members Anders Pearce, William Grunow, Richard Murphy and Kevin Racky for July 28, 2012, and the MOTION carried without negative vote.

Business Association Committee – Draft Ordinance

McCarthy presented the first draft of an ordinance she drafted to establish a Local Business Committee, as directed by the Village Board at its November 7, 2011 meeting. Petersen asked why the Village should establish a committee to assist private business owners. Petersen stated that the business owners can start their own organization to promote their businesses. Pollitt stated that the draft ordinance for the new committee should be amended to eliminate the treasurer position as it is

not necessary. The Village Board also directed staff to remove from the Power and Duties section the item that states a local business committee member shall be a voting member of the Plan Commission. Petersen stated that the proposed ordinance should be tabled to make the changes dictated that night and for further review by the Village Board members. Spadoni stated that staff should schedule special workshop meeting to present the proposed ordinance to the owners of the local businesses, and the committee should be kept as simple as possible.

President Petersen/Trustee Pollitt 2nd made a MOTION to table the proposed ordinance for further consideration, and the MOTION carried without negative vote.

Non-Union Employees 2012 Payroll Resolution – Tabled 2/6/12

Hayden stated that the resolution that was tabled last month was distributed. Hayden stated that although a closed session was scheduled that night at the end of the meeting to consider performance evaluations and wage increases for non-union employees, she suggested tabling the matter until October or November 2012 when the Village Board will have a better idea if its capital reserve fund balance will reach the level stated in the village policy that was adopted in Resolution 10-04-10-01. Spadoni stated that the item should be tabled until the end of the meeting that night, after the closed session is conducted. Hayden stated in order to secure a better Moody's Bond Rating, the Village Board committed to a capital reserve policy on October 4, 2010 that states "within the next two or three years" that the Village Board "shall seek to maintain its undesignated and unreserved fund balance at a minimum of 30% of total general fund annual revenues, this shall include both levy and non-levy revenues. The purpose of the first 25% of this balance is to provide adequate cash flow during the year, and any use of these funds would require a two thirds vote of the Village Board. The additional 5% is to provide the ability of the Village to respond to unforeseeable contingencies and opportunities that may not have been known at the time of budget preparation. Any use of the 5% fund balance referred to above must be replenished during the next budget process. In addition, the use of any amounts in excess of 30% shall not be made, unless one of the following applies: A). Board approved by two-thirds majority vote Capital Expense purchase. B). Expenses which, in the opinion of the Village Board would constitute an investment in the community. C). Expenses which are deemed an emergency." Hayden stated that the Village Board is very close to reaching the 30 percent level, and if the undesignated fund balance in this year's budget is not spent, the Village will reach that level. Hayden stated that if there are funds still available in October or November 2012, salary increases could be approved retroactively. Hayden stated that the Village Board should wait prior to making a decision on non-union and maybe even union employee wage increases and see if the budget is met this year; or if unforeseen, emergency expenses are incurred and the reserve funds have to be spent. Spadoni stated that the Village Board already allocated in this year's budget \$50,000 extra in the contingency fund for the stated purpose of funding non-union employee salary increases. Hayden stated that there is \$380,000 in the working capital budget this year, and including the \$50,000 that is in the contingency fund would allow the Village to reach its goal of 30% of total general fund annual revenues by the end of the year. Spadoni stated that the \$50,000 extra was added to the initially approved contingency fund balance for the specific purpose of funding non-union employee raises and he does not favor tabling the item until next fall. Pollitt stated that the Village of Fontana has informed Moody's of the working capital policy and the minimum balance has to be reached by the end of the year. Petersen stated that there is no reason not to wait to make a decision on the raises until the fall since the raises would be retroactive to cover all of 2012. Spadoni stated that tabling the proposal until fall is an end-around gimmick to not reward the Village's non-union employees with salary increases. During further discussion it was suggested by Trustee McGreevy that input from the Finance Committee and its chairman, Trustee Pat Kenny, should be solicited and the item tabled until next month when Kenny will be in attendance. Pollitt and Petersen then amended their motion on the floor to table the item until the meeting in October 2012, and changed the motion to table the item until next month.

Trustee Pollitt/President Petersen 2nd made a MOTION to table the item until the next monthly meeting, and the MOTION carried without negative vote.

FontanaWear Sales and Display

Petersen asked why the Village Board had an agenda item on the FontanaWear sales and display. McGreevy stated that he was concerned following the last meeting of the Village Board when he noticed wine glasses and business cards from one of the vendors were on display. McGreevy stated

that the display of business cards in the municipal building should not be allowed. Petersen then made a motion to not allow business cards to be displayed with the FontanaWear. Hayden stated that the Village staff began selling FontanaWear items about eight years ago, the items have mainly been clothing, and there is a lot of positive feedback from the customers. Hayden stated that during the last winter, a local artist and property owner asked if the Village was interested in selling wine glasses that she paints with Geneva Lake images and the Village of Fontana name. Hayden stated that a couple of the glasses were sold around Christmas, and then another local artist asked if her similar glasses could be sold. Hayden stated that the Village Hall staff didn't know that one of the artists put out business cards earlier in the week when McGreevy noticed them; however, they were removed immediately upon notification. Hayden stated that the Village does not contract with any vendors, the FontanaWear items have always been purchased from local businesses and sold at a small markup. Wilson stated that she doesn't think anything should be for sale in the Village Hall. Wilson stated that the Village Board never authorized FontanaWear sales and it should no longer be permitted. Petersen stated that the Village Board should not be micromanaging the revenue generating program that takes up very little staff time. Wilson replied that it is the duty of the Village Board members to be custodians of the Village business and properties and they are not micromanaging the staff. Following further discussion, Petersen stated that the agenda item was a waste of meeting time and he made a motion to authorize the Village Hall staff to continue to sell FontanaWear clothing items at their discretion. Spadoni seconded the motion and discussion continued. Martin stated that if the Village Board was considering just allowing clothing to be sold, they should be aware that the Park Commission sells Frisbees in the display case. Petersen stated that no business cards should be allowed to be displayed, and no wine glasses should be sold, but software and the Park Commission Frisbees are fine. Hayden stated that the Village purchased the wine glasses currently on display. Pollitt stated that the Village should sell the current glasses but not order more or put them in the display case.

President Petersen/Trustee Spadoni 2nd made a MOTION to authorize the Village staff to continue to sell FontanaWear clothing items and the Park Commission Frisbees at their discretion, but not to sell hardware or wine glasses and not to display business cards, and the Roll Call vote followed:

Trustee McGreevy – Aye

Trustee Pollitt – Aye

Trustee Wilson – No

Trustee Spadoni – Aye

President Petersen – Aye

The MOTION carried on a 4-1 vote, with Trustees Kenny and Gage absent.

Review Revenue Ideas for Fourth of July

Spadoni presented a list of seven revenue generating ideas he would like to propose for the Fourth of July. Petersen stated that the Village Board should not mess with the normal operations this year, and the ideas should be considered next winter when there is time to plan for their possible implementation. Spadoni stated that the Fourth of July fireworks display has created a cost burden for the Village for 15 years. Spadoni stated that he just wanted to present the list and refer it to the committees for recommendations.

Trustee Spadoni/Trustee Wilson 2nd made a MOTION to table the item and to refer the list of seven ideas to generate additional revenue at the lakefront presented by Spadoni to the Lakefront and Harbor Committee, the Finance Committee and the Park Commission for recommendations. The MOTION carried without negative vote.

Village Hall Office Saturday March 24, 2012 for Absentee Ballot Voting

Martin stated that the new state election laws approved this year dictate that in-person absentee ballot voting can only be done for the Spring 2012 Election from Monday, March 19, 2012 through Friday, March 30, 2012. There is only one Saturday during that period on March 24, 2012.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to direct staff to have Village Hall open for absentee ballot voting on Saturday, March 24, 2012 from 8:00 am to Noon, and the MOTION carried without negative vote.

Nyquist Engineering Computer Service Contract – One-Year Term Ends May 4, 2012

Hayden stated that the initial one-year contract with Jeff Miskie and his company, Nyquist

Engineering, expires May 4, 2012. Hayden stated that the cost of the first year for the contract is actually ending up more costly than the other two bids the Village received. Hayden stated that there have been concerns with the response time and a municipal court computer issue. Hayden stated that her concerns and those of Library Director Nancy Krei and Police Chief Steve Olson are outlined in the distributed documents. Hayden stated that the contract cost on average is running the Village approximately \$2,600 a month, and this amount exceeds both of the other RFP options the Village had in 2011. Hayden suggested that the Village Board contact the other two RFP responders and solicit updated quotes from all three for the term following the expiration of the Nyquist Engineering contract.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to direct staff to seek updated bids from Nyquist Engineering, UTIL-It and BTO for the Village's computer service contract, and to present the bids to the Finance Committee for a recommendation. The MOTION carried without negative vote.

Protection Committee – Trustee Pollitt

Hiring Recommendation – Tabled 12/5/2011, 1/9/2012 & 2/6/2012

Pollitt stated that the Protection Committee changed its initial recommendation upon third review. Pollitt stated that the recommendation is now to hire a sergeant to replace the resigned Lieutenant Brad Buchholz, and if the new sergeant is hired from within the Police Department's current officer roster, to replace that officer with two part-time officers. Olson stated that the department also could hire a three-quarters time employee to fill an open officer position.

Trustee Spadoni/Trustee Pollitt 2nd made a MOTION to commence the hiring process for a new Police Department sergeant, and if the new person is hired from within the department's current police officer roster, that a three-quarters time employee and part-time officers be hired to fill the vacated position. The MOTION carried without negative vote.

Police Chief Duties to Include Patrolling – Proposal for Written Outline or Document – Tabled 11/7/2011, 12/5/2011, 1/9/2012 & 2/6/2012

Spadoni stated that the item should be tabled until a decision is made on the non-union employee evaluations and salaries.

Trustee Spadoni/Trustee Pollitt 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Fire Department Mechanic Reimbursement Request

Pollitt stated that one of the members of the volunteer fire department has been taking care of the routine vehicle maintenance items at no charge. Pollitt stated that the Protection Committee recommended approval of a proposal to pay Dan Pajeau his call and training pay rate of \$15 an hour for completing the mechanic maintenance work.

Trustee Spadoni/Trustee Pollitt 2nd made a MOTION to approve the recommendation to pay Dan Pajeau \$15 an hour for mechanic routine maintenance work at the Fontana Fire Department, and the MOTION carried without negative vote.

Accept Resignation of PT Officer Catherine Tietz

Part-time Police Officer Catherine Tietz submitted her resignation effective February 22, 2012.

Trustee Pollitt/Trustee McGreevy 2nd made a MOTION to accept the resignation submitted by Part-time Police Officer Catherine Tietz, and the MOTION carried without negative vote.

Hire PT Officer Grant Gunyon from Eligibility List

Olson stated that Grant Gunyon is on the Police and Fire Commission approved eligibility list.

Trustee Pollitt/Trustee McGreevy 2nd made a MOTION to approve hiring Part-time Police Officer Grant Gunyon, and the MOTION carried without negative vote.

Public Works – Trustee Gage

Safety Building Retaining Wall Project

Workman stated that he contacted the three firms that submitted bids last year for the Safety Building projects, and the low bidder to complete the retaining wall project is still American Concrete and Excavating at \$7,900.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the low bid of an amount not to exceed \$7,900 submitted by American Concrete and Excavating for the Safety Building retaining wall project, and the MOTION carried without negative vote.

Abbey Springs Water Main Project – Update and Easement Discussion

Workman stated that Ruckert-Mielke engineer Chris Genellie was present to answer any questions the Board members may have with the Abbey Springs water main replacement project. Workman stated that easements will be required from five or six property owners to complete the project. Workman stated that the easements can be negotiated for, in the same manner as other village projects; or the Village could obtain the easement through the condemnation process. Thorpe stated that he and Workman can meet with the property owners and negotiate the easement terms and bring them back for Village Board approval.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to direct Workman and Thorpe to meet with the necessary property owners to obtain the proposed easements for the Abbey Springs Water Main Project, and to bring the agreements back to the Village Board for approval consideration. The MOTION carried without negative vote.

2012 Construction Projects – Update and Bidding Schedule

Workman stated that the engineered design planning is near complete for the Tarrant Drive storm sewer project and the Dewey Avenue and Stearns Road reconstruction projects, and the plans will be ready for the bid process later in the month.

Lakefront & Harbor – Trustee McGreevy

Pier Permit Application Filed by Pier Docktors for Turner Property, 389 North Lakeshore Drive

McGreevy stated that the Lakefront and Harbor Committee recommended approval of the application.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Pier Permit application with the conditions that the application is approved by the Wisconsin DNR and that an as-built survey and the rest of the Village of Fontana permitting requirements are completed. The MOTION carried without negative vote.

Lease Application Approvals

Hayden stated that the Lakefront and Harbor Committee recommended approval of the 20 village mooring lease applications that have been filed to date. Hayden stated that the mooring applications and leases are due prior to the next Village Board meeting and she asked if the Village Board would consider a motion to approve them all with the condition that the Lakefront and Harbor Committee approves the applications.

Trustee McGreevy/Trustee Spadoni 2nd made a MOTION to approve the Village mooring lease applications filed by Jay Babowice, Roberta Bagni, Ray Biesk, Fredrik Broekhuizen, Russell Ceschi, Harry Halma, David Hayes, Chris Hibbard, Sandra Hutchings, Mark James, Steve Maresso, Robert Moravacek, Virginia McMahan/Scott Krinch, Larry Peterson, Michael Puttrich, Bonnie Radtke, Tom Schwalie, Bruce Voight, Michael Wall and David Werner, as recommended, and to approve the rest of the outstanding village mooring applications and leases with the conditions that the outstanding applications are approved by the committee and that the application process is completed by all the applicants. The MOTION carried without negative vote.

Plan Commission – President Petersen

Planned Development Amendment Application Filed by Fairwyn, Ltd. for Mill Street Retail Center, 441 Mill Street

The Plan Commission approved a motion at its last monthly meeting to recommend Village Board approval of the application with four conditions. Spadoni made a motion to approve the recommendation and the motion was seconded by McGreevy. Lengthy discussion followed on future signage for the building, and what would happen if and when the current tenants go out of business and new tenants move in.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to approve the Planned Development amendment application as filed by Fairwyn, Ltd. for the signage at Mill Street Retail Center, 441 Mill Street, with the following four conditions:

1. Tenant applications in regards to the signage may be approved by the Department of Building & Zoning provided that the signage conforms to the requirements listed in the staff report dated February 23, 2012.
2. Any other temporary sign requests not listed shall fall under the terms of the Municipal Code at time of application, and may be approved by the Department of Building & Zoning.
3. Any proposed modifications to the permanent signage described in the February 23, 2012 staff report with regard to number of signs, size and/or location, shall be proposed and approved through a PIP amendment.
4. All other PIP approvals previously entered and not modified by the foregoing terms, shall remain in full force and effect.

The MOTION carried without negative vote.

Finance Committee – Trustee Kenny **Resolution Authorizing 2011 Budget Amendments**

Hayden stated that the Finance Committee recommended approval of the resolution that records the approved budget amendments for 2011.

Trustee McGreevy/Trustee Pollitt 2nd made a MOTION to approve Resolution 03-05-12-01 as recommended, and the MOTION carried without negative vote.

PSC Simplified Water Rate Increase Recommendation

Hayden stated that the Finance Committee recommended applying to the Public Service Commission for a simplified water rate increase totaling 3 percent after March 31, 2012.

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to apply to the Public Service Commission for a simplified water rate increase, as recommended, and the MOTION carried without negative vote.

Sewer Rate Increase Ordinance Recommendation

Hayden stated that the Village has the authority to set its sewer rates via the Municipal Code. Hayden stated that the terms of the federal grant the Village of Fontana received for the recently completed wastewater treatment facility plant improvement project required the Village to increase its sewer rates by 9 percent a year for the last three years. Hayden stated that the Finance Committee is recommending a 3 percent rate increase this year to support the utility budget. Hayden stated that the Finance Committee recommended approval of the 2012 Utility Budget at its last meeting; however, the Public Works Committee has not yet made a recommendation on the budget. Hayden stated that it would not be problem to table the proposed ordinance amendment for a month until the Public Works Committee can make a recommendation on the budget.

Trustee McGreevy/Trustee Wilson 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

CDA – President Petersen

TID Distress Declaration – Meeting with Ehlers & Associates March 7, 2012

Hayden stated that the CDA meeting will feature a presentation on the ramifications of declaring the Fontana TID distressed, and the trustees are invited to attend.

Appraisal Request for 138 Fontana Boulevard Property

Petersen stated that the CDA has not yet acted on the proposal for a new appraisal to accompany the RFP that has been issued for the 138 Fontana Boulevard site, so no action was necessary.

F/W WPCC – President Petersen

Update

Petersen stated that there was nothing new to report.

GLLEA Board – President Petersen

Update

Petersen stated that the next monthly meeting of the Board is scheduled for Wednesday, March 7, 2012.

Closed Session

Pursuant to Wis. Stats. Chapter 19.85 (1)(c), “considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility,” specifically Village of Fontana non-union employees.

The Village Board decided to wait until next month when Trustee Kenny will be in attendance and did not go into Closed Session.

Adjournment Village Board

Trustee Spadoni/Trustee McGreevy 2nd made a MOTION to adjourn the Village Board meeting at 7:27 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, village clerk

Note: These minutes are subject to further editing. Once approved by the Village Board and Plan Commission, the official minutes will be kept on file at the Village Hall.

APPROVED: 3/26/12 – PC; 5/7/12 – VB